DSPLA No. 32 of 2004

Hon'ble B.C. Kandpal, J.

(Delay Condonation Application No. NIL of 2004)

Heard learned A.G.A on the delay condonation application and perused the record.

I find sufficient ground to allow the delay condonation application.

Accordingly, the delay condonation application is allowed.

The delay in filing the appeal is hereby condoned.

Heard learned A.G.A. on the point of admission and perused the record.

This special leave to appeal has been filed by the State Government against the judgment and order dated 16.08.2004 passed by Chief Judicial Magistrate, Pauri Garhwal thereby acquitted and respondent from the charges under Sections 379, 411 of I.P.C.

Feeling aggrieved by the said judgment and order, the State Government preferred this appeal before this Court.

Heard learned A.G.A.on the point of admission and perused the record.

Having considered the arguments advanced by learned A.G.A. for the State/appellant and perusing the entire material available before me, I do not find any illegality, infirmity or incorrectness in the impugned judgment and order passed by the court below. I am in total agreement with the view taken by the court below. The impugned judgment and order does not require any interference. The Special leave to appeal devoid of any force and is liable to be dismissed.

Accordingly, the special leave to appeal is dismissed.

Consequently, the Government Appeal is also dismissed.

(B.C.K., J.)

15.11.2007

ASWAL